IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1286 of 2005

Between:

1 M/s.Dasapalla Hotels Ltd., (A company registered under the Companies Act, 1956) Visakhapatnam, Visakhapatnam District., rep., by its Managing Director, Sri M.Raghavendra Rao
2 Smt.B.Sushila devi, w/o Chitti Babu, r/o 96-A, Dasapalla Hills, Visakhapatnam District.

..... PETITIONERS

AND

1 The Superintendent of Police, Visakhapatnam District.
2 The Deputy Superintendent of Police, Visakhapatnam Dist., at Anakapalli.
3 The Inspector of police, Bheemunipatnam Police Station, Visakhapatnam District.
4 The Station House Officer, Bheemunipatnam Police Station, Visakhapatnam District.
5 Polapalli Venkata Ramana @ Venkata Rao @ Srinu, s/o late Polipalli Polayya @ Thatayya, r/o China bazar Road, Bheemunipatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent police officials in interfering with the peaceful possession and enjoyment over the land situated in Sy.No.14/1 in an extent of Ac.4.33 cents situated at Kummaripalem Village of Bhimili Mandal, Visakhapatnam District as illegal, arbitrary, without jurisdiction, in violation of Art.14 and 21 of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment over the land in an extent of Ac.4.33 cents situated in Sy.No.14/1 of Kummaripalem village of Bhimili Mandal and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.SRINIVAS DAMMALAPATI

Counsel for Respondents 1 to 4: GP FOR HOME

Counsel for Respondent No.5: --

The Court at the stage of admission made the following ORDER:

The petitioners claim to have purchased an extent of Ac.4.33 cents of land in survey No.14/1 of Kummaripalem village of Bhimili Mandal, Visakhapatnam District. They state that when the fifth respondent sought to interfere with their possession, they filed suits and obtained orders of temporary injunction from the concerned civil Courts. It is further stated that when the fifth respondent filed a suit being O.S.No.45 of 2005 on the file of the Principal Senior Civil Judge, Visakhapatnam against the petitioners, no such order was passed in his favour. The petitioners complain that at the instance of the fifth respondent, respondents 1 to 4 are interfering in the civil disputes between the petitioner and the fifth respondent.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

Police Department has hardly any role to play in civil disputes. Any person claiming right of civil nature in respect of any property or against any individual has to approach a civil Court and seek necessary relief. The occasion to interfere by the police arises if only any law and order problem arises or where specific complaints alleging offences under the relevant provisions are made. Even while taking steps in such cases, cases are required to be registered and further steps are required to be taken in accordance with the provisions of Cr.P.C. There does not exist any basis for the police to interfere in civil disputes.

Hence, the writ petition is disposed of directing that respondents 1 to 4 shall not interfere or involve in civil disputes between the petitioner and the fifth respondent in respect of the land referred to above, particularly when the matters are already pending before the civil Courts. There shall be no order as to costs.

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01-02-2005

Note: Issue C.C. in three days

(B/)

kdl

To

1 The Superintendent of Police, Visakhapatnam District.
2 The Deputy Superintendent of Police, Visakhapatnam Dist., at Anakapalli.
3 The Inspector of police, Bheemunipatnam Police Station, Visakhapatnam District.
4 The Station House Officer, Bheemunipatnam Police Station, Visakhapatnam District.
5 Two C.Cs. to the Government Pleader for Home, High Court of A.P., Hyderabad, (OUT).

6 Two C.D. Copies.